

**R277. Education, Administration.**

**R277-752. Special Education Intensive Services Fund.**

**R277-752-1. Authority and Purpose.**

- (1) This rule is authorized by:
  - (a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;
  - (b) Section 53A-1-401, which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law; and
  - (c) Section 53A-17a-112.1, which requires the Board to make rules establishing a distribution formula to allocate money appropriated to the board for the special education intensive services fund.
- (2) The purpose of this rule is to establish:
  - (a) an application process for the special education intensive services fund; and
  - (b) a formula to distribute the funds.

**R277-752-2. Definitions.**

- (1) "Highest impacted LEA cost ratio" means the quotient of, for a fiscal year:
  - (a) an LEA's unreimbursed expenses remaining after allocations are made from the high cost student fund described in R277-752-3; and
  - (b) an LEA's total state special education revenues from the prior fiscal year.
- (2) "Local education agency" or "LEA" includes, for purposes of this rule, the Utah Schools for the Deaf and the Blind.
- (3) "Special education intensive services fund" means funding available to offset the costs of students whose educational program exceeds three times the state average per pupil expenditures.

**R277-752-3. Application Process - Distribution Formula.**

- (1) To receive an annual allocation from the special education intensive services fund, an LEA shall annually submit to the Superintendent an application claiming:
  - (a) expenses that:
    - (i) are associated with providing direct special education and related services identified in a student's IEP; and
    - (ii) exceed three times the state average per pupil expenditures using data from the most recently published State Superintendent's Annual Report; and
  - (b) any reimbursements received for the expenses described in Subsection (1)(a)(i) from private insurance or Medicaid.
- (2) From the special education intensive services fund, the Superintendent shall allocate:
  - (a) 50% of the appropriation to the high cost student fund to be distributed to LEAs based on the highest cost students with disabilities:
    - (i) as described in Section 53A-17a-112.1; and
    - (ii) in accordance with Subsection (3); and
  - (b) 50% of the appropriation to the highly impacted LEA fund to be distributed to LEAs based on the highest impact to an LEA due to high cost students with disabilities:
    - (i) as described in Section 53A-17a-112.1; and
    - (ii) in accordance with Subsection (4).
- (3) (a) The Superintendent shall distribute funds to LEAs from the high cost student

fund using a step down reimbursement process as described in this Subsection (3).

(b) The first step is to reimburse for the highest cost student equal to the difference between the highest cost student and the second highest cost student.

(c) The second step is to reimburse for the highest cost student and second highest cost student equal to the difference between the second highest cost student and the third highest cost student.

(d) Except as provided in Subsection (3)(e), the Superintendent shall continue the step down reimbursement process described in this subsection until funds are exhausted.

(e) If funding is insufficient to fully reimburse the cost for all students in a step, the Superintendent shall reallocate the remaining funds to the highly impacted LEA fund.

(f) In determining student cost under this Subsection (3), the Superintendent shall sum expenses described in Subsection (1)(a)(i) less:

(i) the state average per pupil expenditures using data from the most recently published State Superintendent's Annual Report; and

(ii) reimbursements from private insurance or Medicaid.

(4)(a) The Superintendent shall distribute funds to LEAs from the highly impacted LEA fund by providing a reimbursement equal to the difference between:

(i) an LEA's unreimbursed expenses remaining after allocations are made from the high cost student fund; and

(ii) the product of:

(A) an LEA's total state special education funding from the prior fiscal year; and

(B) the median of the highest impacted LEA cost ratios.

(b) The Superintendent shall provide a reimbursement described in Subsection (4)(a) starting with the LEA with the highest impacted LEA cost ratio until funds are exhausted.

**KEY: special education, intensive service fund**

**Date of Enactment of Last Substantive Amendment: 2017**

**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53A-1-401; 53A-17a-112.1**